

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re Flint Water Cases

No. 5:16-cv-10444

HON. JUDITH E. LEVY

MAG. MONA K. MAJZOUN

**DEFENDANT NANCY PEELER'S JOINDER IN
RESPONSES OF CO-DEFENDANTS RELATING TO
FIFTH AMENDMENT PROTECTIONS**

Now comes Defendant Nancy Peeler, through counsel, and joins in the position of Co-Defendants as it relates to the Fifth Amendment/Self Incrimination Issue Raised. Specifically, Defendant Peeler joins in responses filed by Co-Defendants in Docket Nos. 244 and 246.

Defendant Nancy Peeler is a Defendant in a parallel criminal proceeding in the state court system and, as with several of her Co-Defendants, seeks to preserve her Fifth Amendment rights. Additionally, as with Defendant Scott (See Docket No. 252), Ms. Peeler does not have access to MDHHS documents at this time other than those provided to her under protective order in the criminal proceedings. Any stay issued in this case to protect the Defendants' Fifth Amendment rights should address them not only to discovery, but also answering the Complaint. An answer

to the complaint can be treated as an admission of a party opponent. See, e.g. FRE 801(d)(2); *Brown v Berghuis*, 638 F. Supp. 2d 795 (E.D., MI, 2009)(habeas corpus case wherein criminal defendants answer to underlying civil forfeiture case was admitted as evidence in his criminal trial). As such, Peeler and other Defendants facing criminal charges should not be required to answer the Complaint at this time. Any answers that they make, individually or through counsel, could be used against them in the parallel criminal proceedings.

Respectfully submitted,

/s/Michael S. Cafferty

MICHAEL S. CAFFERTY P36613
Attorney for Defendant Nancy Peeler
333 West Fort Street Suite 1400
Detroit, MI 48226
313-964-3070
mcaff@aol.com

DATED: November 13, 2017

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification to the interested parties.

/s/Michael S. Cafferty

Michael S. Cafferty & Assoc., P.C.
Attorney for Defendant Nancy Peeler
333 West Fort Street Suite 1400
Detroit, MI 48226
313-964-3070
Email: mcaff@comcast.net
Bar #P36613

DATED: November 13, 2017